

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 20-cr-272 (PAM/TNL)

Plaintiff,

v.

**ORDER**

Dean Jerome Berg,

Defendant.

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Nathan Hoye Nelson, Assistant United States Attorney, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 (for the Government); and

Deborah K. Ellis, Ellis Law Office, 101 East Fifth Street, Suite 1500, St. Paul, MN 55101 (for Defendant).

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This matter is before the Court, United States Magistrate Judge Tony N. Leung, on the Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3 and 26.2, ECF No. 21.<sup>1</sup> A hearing was held on August 30, 2022. ECF No. 50. Nathan Hoye Nelson appeared on behalf of the United States of America (the "Government"). Deborah K. Ellis appeared on behalf of Defendant.

Based upon the record, memoranda, and oral arguments of counsel, **IT IS HEREBY ORDERED** that:

1. The Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3, and 26.2, ECF No. 21, is **GRANTED**. This

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<sup>1</sup> The Court notes that Defendant also filed several pretrial motions in this matter. *See, e.g.*, ECF Nos. 40, 41, 42, 43, 46. These motions were withdrawn upon reaching a plea agreement with the Government. ECF No. 51. The change-of-plea hearing is set for October 6, 2022. ECF No. 52. In light of 18 U.S.C. § 3161(h)(1)(H), the Court has ruled on the Government's pending motion, which was taken under advisement on August 30, 2022. ECF No. 50.

motion seeks discovery available under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3, 16(b), and 26.2, as well as the establishment of deadlines for the disclosure of expert witnesses. The Government proposes that the parties make their principal expert disclosures no later than 21 days before trial and any rebuttal expert disclosures no later than 7 days prior to trial. ECF No. 21 at 2. At the hearing, Defendant had no objection to the Government's discovery requests and proposed timeline.

Accordingly, consistent with the parties' agreement and in the event that this matter proceeds to trial, *see supra* n.1, no later than 21 days prior to trial, the parties shall make their principal expert disclosures, and, no later than 7 days prior to trial, the parties shall make any rebuttal expert disclosures.

2. All prior consistent orders remain in full force and effect.

3. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like.

Date: September 29, 2022

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

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